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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,161	10/26/2001	Jack V. Rice	1031.111	7142

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Bradley P. Heisler  
Heisler & Associates  
Suite 300  
3017 Douglas Blvd  
Roseville, CA 95661

EXAMINER

CHAMBERS, TROY

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/033,161

Applicant(s)

RICE, JACK V.

Examiner

Troy Chambers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-20 and 29-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-9, 11, 15, 20 and 29-31 is/are allowed.
- 6) ☒ Claim(s) 1-3, 10, 12-14, 16-19 and 32-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 10, 12-14, 16-19 and 32-38 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6520171 issued to Reible.

3. With respect to claim 1, Reible discloses a paint ball loading and firing apparatus, comprising: a gas source 103; an elongate firing chamber (unnumbered) having a barrel 102 at a first end and a removable back plug 208 at a second end, said second end open to an exterior of the apparatus when plug 208 is removed (Figs. 1, 2 and 3a); a paint ball loading hole (Fig. 11); and a selectively open gas path between said gas source 103 and said firing chamber 207 (Fig. 1).

4. With respect to claims 2 and 3, Reible discloses a door 203.

5. With respect to claim 4, Reible discloses a door 203 riding within a slot that restricts movement to the right and left (close/open) and does not allow for lateral movement. (Figs. 9a and 9b).

6. With respect to claim 10, Reible discloses a trigger 805 and a unity bracket 808. (Fig. 8c).

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7. With respect to claim 12, Reible discloses a charge chamber 307.
8. With respect to claim 13, Reible discloses a transfer valve having a seal 605 (Fig. 11).
9. With respect to claim 14-18, refer to the rejection of claims 1-3, 10 and 12-13 above.
10. With respect to claim 19, refer to Figs. 9A and 9B of Reible.
11. With respect to claims 32-38, refer to the rejection of claims 1-4, 10, 12-14, 16-19 above and Figs. 2, 3A, 9A and 9B of Reible.

### ***Response to Arguments***

1. Applicant's arguments filed 11/28/03 have been fully considered but they are not persuasive. Applicant argues on page 14 of the Amendment:

The true firing chamber taught by Reible, and shown directly to the left of the diffuser 237 in Fig. 14, does not include all of the associated elements identified by the examiner in the above-identified Office action as required by the claims. Particularly, the true firing chamber of Reible does have a barrel 102 directly to the left of the firing chamber (see Fig. 1). However, the rear cap 210 taught by Reible (referred to by the examiner as the 'removable back plug 208') is not located at an end of the true firing chamber taught by Reible and shown in Fig. 14."

The Examiner agrees with the applicant insofar as there is an admission that the firing chamber disclosed by Reible is shown as being located to the left of the diffuser. As shown below in Fig. 2, the diffuser 237 is to be located in an unnumbered passage

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within body 207. The unnumbered passage (labeled 'firing chamber area' by the Examiner) extends to the left to include a threaded area for attaching a barrel as agreed by the applicant. However, Fig. 13 shows us that the firing chamber is further defined by the storage cavity 307 as well as the passage leading from the storage cavity 307 to the area defined by the location of the diffuser and paintball. Referring to Fig. 12, when the storage cavity 307 is fully charged a piston 506 operates to seal the passageway between the storage cavity 307 and the area occupied by the diffuser. But, in Fig. 13, the piston 506 is retracted and the entire area defined by the cross-hatchings becomes the firing chamber.

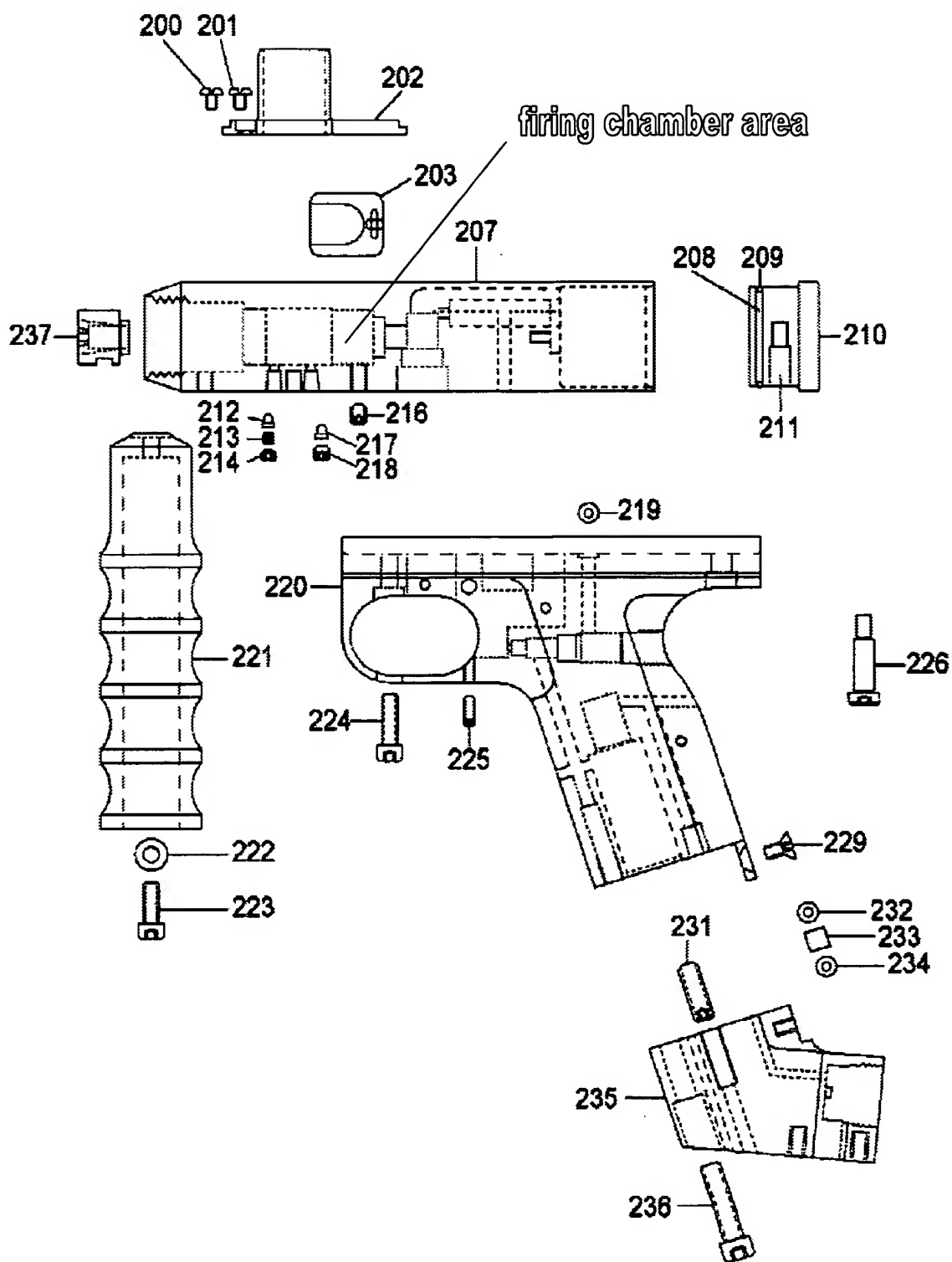


FIG. 2

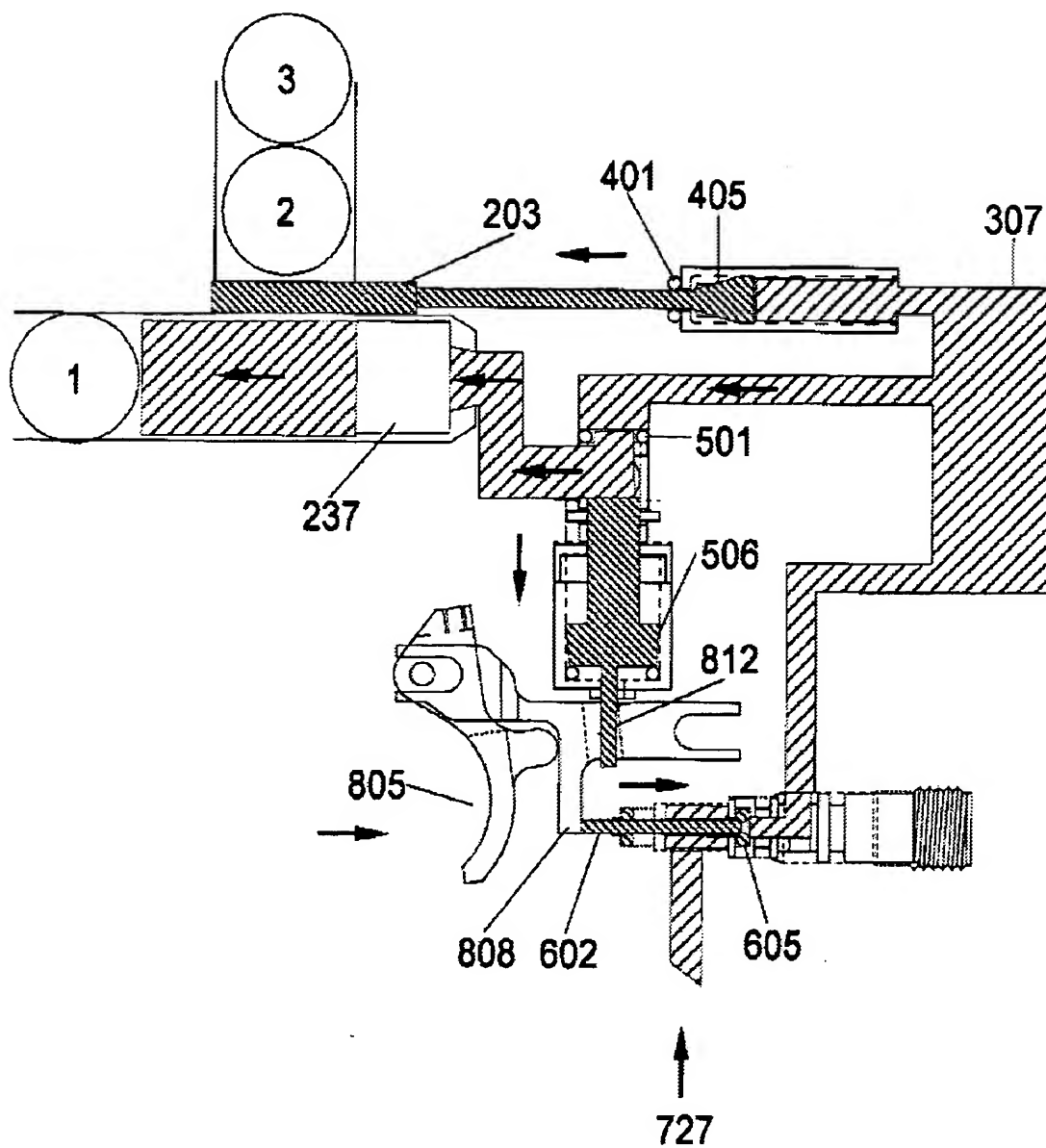


FIG 13

***Allowable Subject Matter***

12. Claims 5, 6, 7-9, 11, 15, 20 and 29-31 are allowed.

2. The following is a statement of reasons for the indication of allowable subject matter:

- a. Claim 5 is allowable over Reible to the extent that the claim requires a door and all the functional and structural limitations associated with said door including beveled rails along the lateral edges, said rails of said door are beveled in a direction keeping said door adjacent said firing chamber. While these limitations appear in "wherein" clauses they are construed as being positive limitations for purposes of infringement;
- b. Claims 6 is allowable over Reible to the extent that the claim requires a door located adjacent said loading hole and slides within a door slot, said door slot requiring a taper toward a tip of said door;
- c. Claims 7-9 are allowable insofar as they depend from claim 6;
- d. Claims 11 and 15 are allowable insofar as there is a requirement for a 3-way valve.
- e. Claim 20 is allowable insofar as there is a requirement for a loading slide having a beveled end which resides within a slide slot non-parallel with said door slot and adjacent said door, said beveled end having a slope which co-acts with said bevel led surface of said door when said beveled end of said loading slide abuts said bevel led surface of said door to cause said door to move from said closed position to said open position, said loading slide coupled to a unity



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bracket, said unity bracket also coupled to said rod of said ram, such that said loading slide is caused to move when said rod is caused to move by said trigger.

f. Claim 29 is allowable insofar as there is a requirement of a door, and a door slot adjacent a loading hole; the door slot is beveled along its lateral sides.

The door also has the requirements that its rails are also beveled.

g. Claims 30 and 31 are allowable insofar as they depend from claim 29.

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (703) 308-

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5870. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (703) 306-4198.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.



MICHAEL J. CARONE  
SUPERVISORY PATENT EXAMINER